



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,625	01/17/2001	Don F. Kesterson	067647.0117	8122

7590 04/20/2006

Barton E. Showalter, Esq.
Baker Botts L.L.P.
2001 Ross Avenue
Dallas, TX 75201-2980

EXAMINER

SINGH, RAMNANDAN P

ART UNIT	PAPER NUMBER
----------	--------------

2614

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/764,625

Applicant(s)

KESTERSON ET AL

Examiner

Ramnandan Singh

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-15, 17-19, 21, 22, 24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-15, 17-19, 21, 22, 24 and 25 is/are allowed.
- 6) ☒ Claim(s) 1, 4, 7 and 8 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 5, 6 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on Jan. 31, 2006 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claims 4, 13 and 15 are objected to because of the following informalities:

Claim 4 recites the limitation "wherein the **second** communication signal includes a first frequency band and a second frequency band" in lines 1-2. This is in error.

Replace the word "**second**" with the word "**first**".

Claim 13 recites the limitation " the **second** communication path communicating the first and second frequency bands" in lines 4-5. This is in error. Replace the word "**second**" with the word "**fourth**".

Claim 15 recites the limitation " comprising a **third** communication port operable to" in line 2. This is in error. Replace the word "**third**" with the word "**fourth**".

Appropriate correction is required.

3. **Claim Status**

Claims 11-12, 14-15, 17-18, 21, 24 are amended.

Claims 10, 16, 20 and 23 are cancelled.

Claims 1-9, 11-15, 17-19, 21-22 and 24-25 are pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Bontemps et al [US 5,923,663].

Regarding claim 1, Bontemps et al teach communication coupling shown in Figs. 1-2, comprising:

a first communication port (PORT1) operable to communicate with a network component (218) [col. 8, line 58 to col. 9, line 9], the first communication port having first (204a) and second (204b) paths of communication [Fig. 2];

a switch (i.e. analog switch) coupled with the first communication port (PORT1) [col. 4, line 57 to col. 5, line 4], the switch having a first position in which the first communication port is operable to receive a first communication signal (Rx) from the network component using the first path of communication and is operable to transmit a second communication signal (Tx) to the network component using the second path of

communication [Figs. 1-2; col. 4, lines 35-56; col. 5, lines 26-37; col. 5, line 58 to col. 7, line 18; col. 12, lines 9-33; col. 13, lines 25-28; col. 14, line 57 to col. 15, line 4]; and

a second position in which the first communication port is operable to receive the first communication signal (Rx) from the network component using the second communication path (204b) and is operable to transmit the second communication signal (Tx) to the network component using the first communication path (204a) [Figs. 2-3; col. 7, line 19 to col. 9, line 9].

5. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Dove et al [US 6,175,865 B1].

Regarding claim 1, Dove et al teach communication coupling shown in Fig. 6, comprising:

a first communication port (12) operable to communicate with a network component connected to transmit pair (14) and receive pair (16), the first communication port having first (1, 2) and second (3, 6) paths of communication [Fig. 6];

a switch (20) coupled with the first communication port (first position of the switch shown in Fig. 1), the switch having a first position in which the first communication port is operable to receive a first communication signal (Rx) from the network component using the first path of communication and is operable to transmit a second

communication signal (Tx) to the network component using the second path of communication [Fig. 6]; and

a second position (i.e. crossover of the switch shown in Fig. 2) in which the first communication port is operable to receive the first communication signal (Rx) from the network component using the second communication path (3, 6) and is operable to transmit the second communication signal (Tx) to the network component using the first communication path (1, 2) [Figs. 1-2, 6; col. 3, line 53 to col. 4, line 64].

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 4, 7, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dove et al as applied to claim 1 above, and further in view of Sherlock [US 20020018521 A1].

Regarding claim 4, Dove et al do not teach expressly the communication Coupling, wherein the first communication signal includes a first frequency band and a second frequency band.

Sherlock further teaches the communication coupling (12), wherein the second communication signal includes a first frequency band (POTS) and a second frequency band (ADSL), and further comprising a filter (14) coupled with the first communication

port (12) and operable to separate the first frequency band from the second frequency band [Figs. 1-3; Para 0010-0017].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Sherlock with Dove et al in order to provide both types of services—POTS and ADSL—simultaneously.

Regarding claim 7, Sherlock further teaches the communication coupling (12), wherein the first communication port (12) comprises an RJ-11 coupling and the first path of communication comprises an inner pair of conductors [Fig. 1].

Regarding claim 8, Sherlock further teaches the communication coupling (12), wherein the first communication signal includes a digital subscriber line (DSL) signal and a first analog telephone signal (i.e. voice (V)), and the second communication signal includes a second analog telephone signal [Figs. 1-7; Para: 0009; 0011-0020; 0034-0037; 0050-0054].

Allowable Subject Matter

8. Claims 11-15, 17-19, 21-11 and 24-25 are allowable.

Claim 11 recites a communication coupling comprising: a first communication port having first and second paths of communication with a network component, and operable to receive a first communication signal from the network component using the

first path of communication; a second communication port operable to transmit the first communication signal to a communication system; a third port operable to receive a second communication signal from the communication system; and the first communication port further operable to transmit the second communication signal to the network component using the second path of communication. The prior art of records does not teach these limitations. New search updates revealed no other prior art which teaches the limitations in the context of the claims. Therefore, claim 11 is indicated allowable. Claims 17, 21 and 24 are essentially similar to claim 11 and hence they are also indicated allowable. As such, claims 11-15, 17-19, 21-11 and 24-25 are indicated allowable.

9. Claims 2, 3, 9 and 5-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 2 and 5 are objected to because of the similar reasons of allowability Provided above. Hence, claims 2, 3, 9 and 5-6 are objected to.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramnandan Singh whose telephone number is (571) 272-7529. The examiner can normally be reached on M-TH (8:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramnandan Singh
Examiner
Art Unit 2614

A handwritten signature in black ink, appearing to be 'RNS', written over a horizontal line.